

1 *Add Division 1.5, Chapters 1 and 2, and Sections 19800, 19801, and 19803 through 19805, to*  
2 *read:*

3 **TITLE 5. Education**

4 **Division 1.5. Education Audit Appeals Panel**

5 **Chapter 1. General Provisions**

6 **§ 19800. Definitions.**

7 The following definitions shall apply to these regulations:

8 (a) “Final audit report” means:

9 (1) for an annual audit conducted pursuant to Education Code Section 41020, the report that  
10 has been accepted by the Controller pursuant to Education Code Section 14504, and

11 (2) for any other audit or review conducted by or for a governmental agency that includes  
12 one or more apportionment significant exceptions requiring repayment, the report issued  
13 following an opportunity to provide a written response to a draft report;

14 (b) “Panel” means the Education Audit Appeals Panel.

15 (c) “Parties to the appeal” means the local education agency that is pursuing an appeal to the  
16 Panel, the Controller, and any applicant(s) allowed to intervene pursuant to Government Code  
17 Section 11440.50.

18 (d) “Summary review” means the voluntary, informal, summary appeals process set forth in  
19 Education Code Section 41344.1(d).

20 NOTE: Authority cited: Section 41344.1, Education Code; Section 11400.20, Government  
21 Code. Reference: Sections 14504, 41020, 41344, and 41344.1, Education Code; Section  
22 11440.50, Government Code.

23 **§ 19801. Quorum; Majority Vote; Limitations on Public Comments.**

24 (a) A quorum shall be two of the three members then constituting the Panel.

1 (b) All decisions of the Panel shall be by majority vote of the three members then  
2 constituting the Panel.

3 (c) Public comment on each item of a Panel agenda shall be limited to 3 minutes per speaker,  
4 provided that the Panel may extend this limit by a uniform amount per speaker.

5 NOTE: Authority cited: Section 41344.1, Education Code; Section 11125.7, Government  
6 Code. Reference: Section 41344.1, Education Code; Section 11125.7, Government Code.

## 7 **Chapter 2. Appeals; Summary Review**

### 8 **§ 19803. Request for Summary Review Filing; Form of Request for Summary Review;** 9 **Withdrawal of Request for Summary Review.**

10 (a) A written Request for Summary Review shall be filed with the Executive Officer of the  
11 Panel and shall:

12 (1) identify each finding for which summary review is requested;

13 (2) fully set forth the basis for the local education agency's claim, as to each disputed  
14 finding, that it was in substantial compliance, as set forth in Education Code Section 41344.1(c);  
15 and

16 (3) include evidence of the date on which the local education agency received the final audit  
17 report.

18 (b) A local education agency may withdraw a Request for Summary Review at any time prior  
19 to issuance of a determination by the Executive Officer of the Panel. The local education agency  
20 shall give prompt written notice of the withdrawal to the Executive Officer of the Panel.

21 NOTE: Authority cited: Section 41344.1, Education Code. Reference: Section 41344.1,  
22 Education Code.

### 23 **§ 19804. Appeal Filing; Form of Notice of Appeal; Withdrawal of Appeal.**

1        (a) To present an appeal to the Panel, a local education agency shall file a written Notice of  
2        Appeal with the Executive Officer of the Panel, identifying each finding being appealed and  
3        including evidence of the date on which the local education agency received:

4        (1) the final audit report, or

5        (2) the written determination of summary review.

6        (b) A local education agency may withdraw an appeal at any time prior to issuance of a  
7        decision by the Panel. The local education agency shall give prompt written notice of the  
8        withdrawal:

9        (1) to the Executive Officer of the Panel,

10       (2) if the appeal is pending before the Office of Administrative Hearings,

11       (i) to the administrative law judge assigned responsibility for the matter, or

12       (ii) if the matter has not been assigned to a particular administrative law judge, to the  
13       Director of the Office of Administrative Hearings, and

14       (3) to all parties to the appeal.

15       NOTE: Authority cited: Section 41344.1, Education Code; Section 11400.20, Government  
16       Code. Reference: Sections 41344 and 41344.1, Education Code.

17       **§ 19805. Intervention.**

18       Government Code Section 11440.50, concerning intervention, grant of motion, and  
19       conditions, shall apply to appeal proceedings of the Panel.

20       NOTE: Authority cited: Section 41344.1, Education Code; Section 11400.20, Government  
21       Code. Reference: Section 41344.1, Education Code; Section 11440.50, Government Code.